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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

12 || ORACLE AMERICA, INC.

13 Plaintiff,

14 || vs.

15 | GOOGLE, INC.,

16 || Defendant.

Case No. C 10-3561 WHA

**DECLARATION OF JOHN L. COOPER IN  
SUPPORT OF ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
RESPONSE OF DR. JAMES R. KEARL,  
RULE 706 EXPERT, TO GOOGLE'S  
MOTION TO STRIKE PORTIONS OF  
EXPERT REPORT AND TESTIMONY OF  
DR. JAMES R. KEARL**

Dept.: Courtroom 8, 19th Floor  
Judge: Hon. William H. Alsup

I, John L. Cooper, declare as follows:

22       1. I am an attorney licensed to practice law in the State of California and am a partner  
23 at the law firm of Farella Braun + Martel LLP, attorneys of record for Rule 706 Expert, Dr. James  
24 R. Kearl, in the above captioned action. I submit this declaration in support of Dr. Kearl's  
25 Administrative Motion To File Under Seal his Response to Google's Motion to Strike Portions of  
26 Expert Report and Testimony of Dr. James R. Kearl. I have knowledge of the facts stated herein  
27 and if called as witness, I could and would competently testify thereto.

2. Attached hereto is an unredacted copies of Response of Dr. James R. Kearl, Rule

1 706 Expert, to Google’s Motion to Strike Portions of Expert Report and Testimony of Dr. James  
2 R. Kearl, dated April 8, 2016, and Exhibits A through F to the Declaration of Dr. James R. Kearl  
3 in Support of Response of Dr. James R. Kearl, Rule 706 Expert, to Google’s Motion to Strike  
4 Portions of Expert Report and Testimony of Dr. James R. Kearl. These documents contain  
5 information designated by Oracle America, Inc. and Google, Inc. as “Confidential—Attorney’s  
6 Eyes Only.” Oracle and Google are in dispute regarding which portions of Dr. Kearl’s analysis  
7 should be kept confidential and which portions may be made public, so Dr. Kearl is requesting to  
8 file his entire response under seal. *See, e.g.*, Dkt. 1599. Google and Oracle have been provided  
9 with a copy of the entire unredacted response to allow them to designate which portions should  
10 remain undisclosed.

11           3.       James R. Kearn takes no position on the redaction of the information designated as  
12        “Confidential—Attorney’s Eyes Only.”

14 I declare under penalty of perjury under the laws of the State of California that the  
15 foregoing is true and correct.

16 Executed this 8<sup>th</sup> day of April 2016 at San Francisco, California.

/s/ John L. Cooper  
John L. Cooper